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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,668	05/01/2001	Robert Owen Bristow	29206-00030	5802
7590 12/11/2003			EXAMINER	
Stanley R Moore			SMITH, SHEILA B	
Jenkins & Gilchrist			ART UNIT	
Suite 3200			PAPER NUMBER	
1445 Ross Avenue			2681	
Dallas, TX 75202-2799			DATE MAILED: 12/11/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/743,668

Applicant(s)

BRISTOW, ROBERT OWEN

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14 is/are rejected.
- 7) ☐ Claim(s) 12,13,15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels for the boxes exhibited in figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11,14 rejected under 35 U.S.C. 102(b) as being anticipated by West (U.S. Patent Number 5,574,979).

***Regarding claims 1 and 22 and 32,*** West discloses essentially all the claimed invention as set fourth in the instant application, further West discloses a periodic interference avoidance in a wireless radio frequency communication system. In addition West discloses a communications device comprising: a first transceiver ( 4517) for communicating over a first

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communication network; a second transceiver (4521) for communicating with a remote unit

4507

(457); means for detecting signal strengths of potentially interfering signals (which reads on co-channel interference; and 2) low NET utilization, with regard to co-channel interference, before issuing a SYNC message, the Control Point device performs channel monitoring for a brief interval, if the Received Signal Strength Indicator (RSSI) level indicates an ON channel signal greater

than the system defer threshold, then the Access Interval is skipped as disclosed in column 16 lines 21-27); and means for providing an alert signal (which reads on skipping the access interval) if the detected signal strengths of potentially interfering signals exceed a predetermined threshold (which reads on column 16 lines 21-27).

**Regarding claim 2**, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device means (which reads on 4509) for detecting signal strengths of signals received from the remote unit in the first transceiver (which reads on 4517).

**Regarding claim 3**, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device means (which reads on 4511) for detecting signal strengths of signals received from the remote unit in the second transceiver (which reads on 4521).

**Regarding claim 4**, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device means (which reads on 4511) for detecting

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signal strengths of noise signals caused by transmissions received from the remote unit in the second transceiver (which reads on 4505).

*Regarding claim 5*, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device comprising, means for identifying times at which transmissions are being received from the remote unit and means for identifying times at which the detected signal strengths of noise signals in the second transceiver exceed a specified level (which reads on co-channel interference; and 2); and means for comparing the identified times.

*Regarding claim 6*, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device comprising, means for identifying times at which transmissions are being received from the remote unit on one or more specified frequencies and means for identifying times at which the detected signal strengths of noise signals in the second transceiver exceed a specified level and means for comparing the identified times (which reads on co-channel interference; and 2) low NET utilization, with regard to co-channel interference, before issuing a SYNC message, the Control Point device performs channel monitoring for a brief interval, if the Received Signal Strength Indicator (RSSI) level indicates an ON channel signal greater than the system defer threshold, then the Access Interval is skipped as disclosed in column 16 lines 21-27).

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*Regarding claim 7*, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device comprising means for detecting in the second transceiver, a code modulated on signals transmitted from the remote unit (which reads on column 30 lines 18-20).

*Regarding claims 8 and 9* West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device (4509 and 4511) comprising means for generating the alerting alert signal and transmitting it the alert signal to the remote unit (which reads on column 16 lines 21-27).

*Regarding claim 10*, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications device comprising, communications device and a remote unit, the communications device comprising: a first transceiver (4517) for communicating over a first communication network; a second transceiver (4521) for communicating with the remote unit; means for detecting signal strengths of potentially interfering signals; and means for providing an alert signal if the detected signal strengths exceed a predetermined threshold (which reads on co-channel interference; and 2) low NET utilization, with regard to co-channel interference, before issuing a SYNC message, the Control Point device performs channel monitoring for a brief interval, if the Received Signal Strength Indicator (RSSI) level indicates an ON channel signal greater than the system defer threshold,

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then the Access Interval is skipped as disclosed in column 16 lines 21-27); and the remote unit (4507) comprising a third transceiver for communicating with the communication device.

*Regarding claim 11*, West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications system wherein the communications device comprises means for transmitting the alert signal to the remote unit (which reads on column 16 lines 21-27).

*Regarding claim 14* West discloses everything claimed as applied above (see claim 1), in addition West discloses a communications system wherein the remote unit comprises means for receiving an alert signal and means for ceasing (which reads on skipping the access interval), further radio transmissions to the communications device, in response thereto (which reads on column 16 lines 21-27).

***Allowable Subject Matter***

3. Claims 12,13,15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
December 1, 2003

  
**SINH TRAN**  
**PRIMARY EXAMINER**